## **United States Court of Appeals**

## FOR THE EIGHTH CIRCUIT

Nos. 02-2133SD, 02-2144SD, 02-2185SD, 02-2187SD, 02-2191NE, 02-2305ND

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	*	
No. 02-2133SD	*	
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	*	
State of South Dakota, and	*	
William J. Janklow, Governor,	*	
,	*	
Plaintiffs - Appellees,	*	
rr	*	
V.	*	
	*	
	*	On Appeal from the United
Lt. Colonel Kurt F. Ubbelohde,	*	States District Court
District Engineer, Omaha District,	*	for the District of
United States Army Corps of	*	South Dakota.
Engineers, and General David A.	*	
Fastabend, Commander, NW Division,	*	
Portland, Oregon,	*	
	*	
Defendants,	*	
,	*	
	*	
Mo-Ark Association, formerly	*	
known as Missouri-Arkansas River	*	
Basins Association,	*	
, , , , , , , , , , , , , , , , , , ,	*	
Movant - Appellant.	*	

No. 02-2144SD State of South Dakota, and William J. Janklow, Governor, Plaintiffs - Appellees, v. \* Lt. Colonel Kurt F. Ubbelohde, District Engineer, Omaha District, \* On Appeal from the United United States Army Corps of **States District Court** Engineers, and General David A. for the District of Fastabend, Commander, NW Division, South Dakota. Portland, Oregon, \* Defendants, Ergon Asphalt and Emulsions, Inc.; Magnolia Marine Transport Company; Blaske Marine, Inc.; Koch Materials Company; Mid-West Terminal Warehouse Company, Inc.; Tosco, a subsidiary of Phillips 66 Company; Jebro, Incorporated, and Memco Barge Line, Inc., \*

Movants - Appellants.

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	*	
No. 02-2185SD	*	
NO. 02-21038D	*	
	*	
Control of the contro	*	
State of South Dakota, and		
William J. Janklow, Governor,	*	
D1 1 1 200 11	-	
Plaintiffs - Appellees,	*	
	*	
V.	*	
	*	On Appeal from the United
	*	States District Court
Lt. Colonel Kurt F. Ubbelohde,	*	for the District of
District Engineer, Omaha District,	*	South Dakota.
United States Army Corps of	*	
Engineers, and General David A.	*	
Fastabend, Commander, NW Division,	*	
Portland, Oregon,	*	
	*	
Defendants,	*	
	*	
	*	
State of Nebraska,	*	
ŕ	*	
Movant - Appellant.	*	
11	*	
	*	
	*	
No. 02-2187SD	*	
1(0, 02 210) 52	*	
	*	
State of South Dakota, and	*	
William J. Janklow, Governor,	*	
" main J. Jankio W, Governor,	*	
Plaintiffs - Appellees,	*	
riamums - Appences,		

V.	*	On Appeal from the United
	*	States District Court
	*	for the District of
Lt. Colonel Kurt F. Ubbelohde,	*	South Dakota.
District Engineer, Omaha District,	*	
United States Army Corps of	*	
Engineers, and General David A.	*	
Fastabend, Commander, NW Division,	*	
Portland, Oregon,	*	
	*	
Defendants - Appellants.	*	
11	*	
	*	
	*	
No. 02-2191NE	*	
	*	
	*	
State of Nebraska, also known as	*	
Don Stenberg, Attorney General of	*	
the State of Nebraska, ex rel.,	*	
,	*	
Plaintiff - Appellee,	*	
,	*	
V.	*	
••	*	
	*	
State of Missouri,	*	
State of Missouri,	*	
Intervener Below -	*	
Intervener on Appeal,	*	
intervener on rippear,	*	On Appeal from the United
	*	States District Court
Kurt F. Ubbelohde, Lt. Colonel,	*	for the District of
District Engineer, Omaha District,	*	Nebraska.
United States Army Corps of	*	1 (Volubia)
Engineers, and General David A.	*	
Fastabend, Commander, NW Division,	*	
i asiaocha, Commanaci, iv vi Division,		

Defendants - Appellants,
* State of Iowa,  * Amicus on Behalf of Appellee.  *
State of Iowa,  Amicus on Behalf of Appellee.  *  No. 02-2305ND  *  State of North Dakota, and John Hoeven, Governor,  *  *  *  *  *  *  *  *  *  *  *  *  *
Amicus on Behalf of Appellee.  *  No. 02-2305ND  *  State of North Dakota, and John Hoeven, Governor,  *
* No. 02-2305ND  * No. 02-2305ND  * State of North Dakota, and John Hoeven, Governor,  *
No. 02-2305ND *  *  State of North Dakota, and *  John Hoeven, Governor, *
* State of North Dakota, and  John Hoeven, Governor,  *
State of North Dakota, and * John Hoeven, Governor, *
John Hoeven, Governor, *
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Plaintiffs - Appellees, * *
v. *
* On Appeal from the United  * States District Court
Lt. Colonel Kurt F. Ubbelohde, * for the District of  Pistrict Engineer Omaha District * North Dakota
District Engineer, Omaha District, * North Dakota.  United States Army Corps of *
Engineers, and General David A. *
Fastabend, Commander, NW Division, *
Portland, Oregon, *
Nefendants Appellants *
Defendants - Appellants. * *
*
State of Missouri, *
* Intervener on Appeal. *

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Filed: July 25, 2003

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Before WOLLMAN, RICHARD S. ARNOLD, and MELLOY, Circuit Judges.

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## <u>ORDER</u>

We have before us the Emergency Motion of Federal Defendants-Appellants for Reimposition of Stay of Injunction Issued by Nebraska District Court Pending Appeal. The motion is denied. There is no need for it. The stay of injunction remains in effect until the mandate of this Court issues, which has not yet occurred. The time for filing petition for rehearing or rehearing en banc has been extended to and including August 20, 2003.

The motion of American Rivers, Environmental Defense, and others for leave to file a brief amicus curiae is granted.

It is so ordered.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.